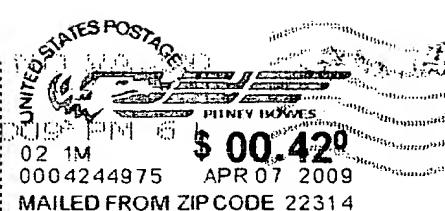


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Application Number InformationApplication Number: **09/458132 Assignments**Filing or 371(c) Date: **02/16/2000 eDan**Effective Date: **12/09/1999**Application Received: **12/09/1999**

Patent Number:

Issue Date: **00/00/0000**Date of Abandonment: **00/00/0000**Attorney Docket Number: **SPRAGUE-REI-**Status: **89 /ALLOWANCE COUNTED**Confirmation Number: **8479**Title of Invention: **VERI MAG PACK**Examiner Number: **77453 / FISHER, MICHAEL**Group Art Unit: **3689****IFW Madras**Class/Subclass: **705/001.000**Lost Case: **NO**

Interference Number:

Unmatched Petition: **NO**L&R Code: Secrecy Code: **1**Third Level Review: **NO**Secrecy Order: **NO**Status Date: **12/26/2006**Oral Hearing: **NO**

Bar Code	PALM Location	Location Date	Charge to Loc	Charge to Name	Employee Name	Location
09458132BA	28C1	09/12/2006	No Charge to Location	No Charge to Name	NGUYEN,HUY	RND/00/A 41
09458132ZA	28C1	09/12/2006	No Charge to Location	No Charge to Name	NGUYEN,HUY	RND/00/A 41

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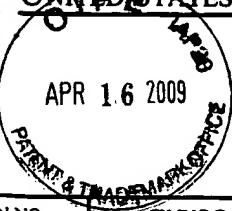
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,132	02/16/2000	WILLIAM R. SPRAGUE	SPRAGUE-REI-	8479
7590 03/10/2009 LAW OFFICES OF ROYAL W. CRAIG 10 NORTH CALVERT STREET SUITE 153 BALTIMORE, MD 21202			EXAMINER	
			FISHER, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3689	
			MAIL DATE	DELIVERY MODE
			03/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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CENTRAL REEXAMINATION UNIT

In re Application of
William R. Sprague et al.
Application No. 09/458,132
Filed: December 9, 1999
Practitioner Docket No.: SPRAGUE-REI-1

: ORDER TO
: SHOW CAUSE
:
:
:

This is a show cause order based on the expiration of U.S. Patent No. 5,842,629, for which patent the present application requests reissue.

BACKGROUND

1. Reissue application No. 09/458,132 ("the '132 reissue application") was filed on December 9, 1999, for reissue of U.S. Patent No. 5,842,629 ("the '629 patent") issued December 1, 1998.
2. The '132 reissue application is pending. The Image File Wrapper record reveals that a decision granting a petition to withdraw holding of abandonment was issued on January 5, 2005, and that the prosecution of the application is not closed.
3. The Office's financial records reveal that the 7.5 year maintenance fee due by December 1, 2006 (the end of the maintenance fee grace period), was not paid.
4. The '629 patent expired at midnight on December 1, 2006, for failure to pay the 7.5 year maintenance fee due.¹ Notice of the expiration of the '629 patent for failure to pay the 7.5 year maintenance fee was published on January 30, 2007, in the *Official Gazette*.²

ORDER TO SHOW CAUSE

As pointed out above, the '132 reissue application is for reissue of the '629 patent; the '629 patent expired for failure to pay the 7.5 year maintenance fee. A notice of the expiration of the '629 patent was published in the *Official Gazette*. Because the '629 patent expired for failure to pay the second maintenance fee, the Director of the USPTO

¹ See: MPEP § 2506, third paragraph.

² See: <http://www.uspto.gov/web/offices/com/sol/og/2007/week05/patexpi.htm>.

no longer has the authority under 35 U.S.C. § 251 to reissue the '629 patent. See *In re Morgan*, 990 F.2d 1230, 26 USPQ2d 1392 (Fed. Cir. 1993). As stated in *Morgan*,

"The language of section 251 is unambiguous: the Commissioner has authority to reissue a patent only 'for the unexpired part of the term of the original patent.' Thus, when Morgan's original patent expired on August 19, 1992, the Commissioner was divested of his reissue authority because there no longer was an unexpired term of the patent for which Morgan's patent could be reissued. Morgan's appeal thus became moot." [990 F.2d at 1231, 26 USPQ2d at 1393; emphasis added]

Because the Director no longer has the authority under 35 U.S.C. § 251 to reissue the '629 patent, the Office intends to terminate the present reissue proceeding, and thereafter hold the '132 reissue application to be an abandoned application.

Applicants are hereby provided with a period of **30 DAYS** from the mailing of this ORDER to show cause why the Office should not terminate the present reissue proceeding.

If applicants propose to show cause why the present reissue proceeding should not be terminated, applicants' showing must include an explanation of why the proceeding should continue in spite of the expiration of the original patent.

If applicants make a showing, the showing will be evaluated as to whether it provides sufficient basis as to why the present reissue proceeding should not be terminated. A failure to respond to this show cause order within the set 30-day period will result in the proceeding being terminated by default. If the present reissue proceeding is terminated, jurisdiction over the present application for reissue of the '629 patent will be returned to Technology Center Art Unit 3689 for processing as an abandoned application.

CONCLUSION

1. Applicants are hereby provided with a period of **30 DAYS** from the mailing of this ORDER to show cause why the Office should not terminate the present reissue proceeding.
2. Failure by applicants to respond to this show cause order within the set 30-day period will result in termination of the present reissue proceeding by default, followed by a mailing of a Notice of Abandonment in the '132 reissue application.
3. Jurisdiction over the '132 reissue application is being retained by the Office of Patent Legal Administration, pending a response by the applicants, or the expiration of time for a response.

4. Telephone inquiries related to this decision should be directed to Raul Tamayo,
Legal Advisor, at (571) 272-7728.



Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration